

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HEATHER MAE THOMAS,

Plaintiff,

v.

No. 1:24-cv-00410-WJ-GJF

JUDGES AND ALL COURT OFFICIALS OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO, and
JUDGES AND ALL COURT OFFICIALS OF
NEW MEXICO BERNALILLO COUNTY,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff, who is proceeding *pro se*, alleges “[t]he courts have been put on notice of violations under the color of law 18 USC 241 & 242 against my offspring,” “officers . . . continue to violate our constitutional rights” and “I have been incarcerated for trying to get the judges attention in this matter and held with no bond and false accusations.” Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 at 1-2, Doc. 1, filed April 30, 2024 (“Complaint”).

United States Magistrate Judge Gregory J. Fouratt notified Plaintiff that:

The Complaint fails to state claims pursuant to 42 U.S.C. § 1983 against the unidentified Judges and court officials because it does not describe what *each* Judge and court official did to Plaintiff and what specific legal right Plaintiff believes *each* Judge and court official violated. *See Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007) (“[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.”).

. . . Plaintiff cannot assert claims on behalf of her daughter because Plaintiff is not an attorney licensed to practice in this Court. *See Fymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000) (“A litigant may bring his own claims to federal court without counsel, but not the claims of others”).

Furthermore, the Judges and officials for the United States District Court for the District of New Mexico are not subject to claims pursuant to 42 U.S.C. § 1983 because they are not state actors. *See Schaffer v. Salt Lake City Corp.*, 814 F.3d 1151, 1155 (10th Cir. 2016) ("The two elements of a Section 1983 claim are (1) deprivation of a federally protected right by (2) an actor acting under color of state law"). . . . *See Van Sickle v. Holloway*, 791 F.2d 1431, 1435-36 (10th Cir. 1986) (Federal judges "are immune from civil liability when they act within their jurisdiction"); *Egbert v. Boule*, 596 U.S. 482, 491-93 (2022) (recognizing that *Bivens* applies in limited cases against federal officials, stating that "recognizing a cause of action under *Bivens* is a disfavored judicial activity," and setting forth a two-step analysis to determine whether courts should provide a damages remedy pursuant to *Bivens*).

Order to Show Cause at 2-3, Doc. 5, filed May 2, 2024. Judge Fouratt ordered Plaintiff to show cause why the Court should not dismiss this case and to file an amended complaint. *See* Order to Show Cause at 5. Judge Fouratt also notified Plaintiff that failure to timely show cause and file an amended complaint may result in dismissal of this case. Plaintiff did not show cause, file an amended complaint or otherwise respond to the Order to Show Cause by the May 23, 2024, deadline.

IT IS ORDERED that this case is **DISMISSED without prejudice**.

/s/
WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE